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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/284,581	04/15/1999	ANSGAR DIRKMANN	P99.0498	2526

7590

07/30/2002

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McLean, VA 22102

EXAMINER

MEHRA, INDER P

ART UNIT

PAPER NUMBER

2663

4

DATE MAILED: 07/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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7590 06/10/2002  
HILL STEADMAN & SIMPSON  
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CHICAGO, IL 60606

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*Handwritten signature*

# Office Action Summary

Application No.

09/284,581

Applicant(s)

DIRKMANN ET AL. *Me*

Examiner

Inder P Mehra

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 April 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 6-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. Refer to page 2, as corrected by pre-amendment dated 4/15/99:

“ Figure 1 shows an entry node, ie. A switching center that links the access network to the internet.”

Figure 1 is not adequately labeled to relate to the components/sub-systems specified in the specifications, as underscored above.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 6-10 rejected under 35 U.S.C. 102(e) as being anticipated by Christie (US Patent No. 6,298,064).

Regarding claims 6 and 10, Christie discloses, in reference to fig. 1 and col. 3 lines 35-67, a method for controlling connections (190-193, fig.1) in a communication network 100, comprising the steps of:

- setting up a signaling connection (190-193) between a user 110 (subscriber) and telecommunication system 100 (service access system), refer to col. 3 line 66, including access connection 180, MUX 130, ATM cross connect system 150, MUX 140), based on user routing instructions (a service connection

Art Unit: 2663

request), refer to col. 4 lines 57-61 by the user 110 (subscriber), refer to col. 4 lines 57-61;

- user 120 would receive signaling from signaling processing system 160 to facilitate completion of the call and MUX 130 would convert user information into ATM cells (setting up a payload connection associated with the signaling connection between the service access system and the subscriber), refer to col. 5 lines 3-17; and processing of call suspended at termination manager 823 (clearing down the payload connection after the data transmission, refer to col. 15 lines 29 and col. 16 lines 46-49 and; tear down of call path (clearing down), col. 22 lines 63-65.

Regarding claim 7, Christie discloses user 110 and 120 could be any entity that supplies telecommunication traffic (voice or data service), refer to col. 3 lines 59-60; calls will require a bi-directional voice connection (voice), refer to col. 9 lines 26-27 and col. 2 line 67;

Regarding claim 8, Christie discloses the method of claim 6, further comprises the step of:

- use of call control block to create a billing record including charge number for the call (charging a service -----for a time interval----service), refer to col. 12 lines 50-51 and col. 16 lines 50-67;

Regarding claim 9, Christie discloses the method of claim 8, wherein the originating manager will execute through the pertinent points in call (signaling connection and payload connection) to a point indicating that *set up is authorized*, at this point, the origination manager

Art Unit: 2663

822 will instruct the call center 821 to create the instance of a termination manager (the step of clearing down the payload connection does not occur immediately after the end of data transmission but occurs immediately before the expiration of the interval already passed), refer to col. 15 lines 8-12.

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Christie et al (US Patent No.6,115,380) discloses a broadband telecommunication system providing virtual connection through an ATM interworking multi-plexer on a call by call basis.
- La Porta et al (US Patent No. 5,473,679) discloses a network architecture designed to allow a communication service subscriber to select a signaling provider independently.
- Doshi et al (US Patent No. 5,483,527) discloses a terminal adapter for interfacing an ATM network with a STM network.

5. Any enquiry concerning this communication should be directed to Inder Mehra whose telephone number is (703) 305-1985. The examiner can be normally reached on Monday through Friday from 8:30AM to 5:00 PM.

If attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Chau Nguyen , can be reached on (703) 308-5340. Any enquiry of a general nature of relating to the

Art Unit: 2663

status of this application or processing should be directed to the group receptionist whose telephone number is (703) 305-4700.

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to (703) 872-9314.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive,  
Arlington, VA, sixth floor (Receptionist).

*Inder Mehra*  
Inder Mehra

June 7, 2002

*Melvin Marcelo*  
MELVIN MARCELO  
PRIMARY EXAMINER

**Attachment for PTO-948 (Rev. 03/01, or earlier)**  
**6/18/01**

**The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.**

**INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

**1. Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes ~~incorporated~~ therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

**2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

**Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.